



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3857 of 2025

Arumugam

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.23 of 2021)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.23 of 2021 on the file of the respondent-police.

For Petitioners : Mr.S.Muniyandi,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)



ORDER : The Court made the following order :-

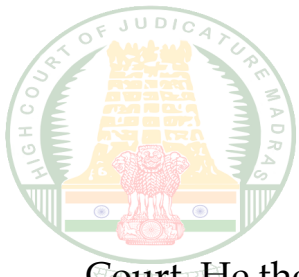
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This Criminal Original Petition has been filed by the petitioner on 26.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.23 of 2021 on the file of the respondent-police.

3. The case of the prosecution is that on 22.01.2021 at about 04:50 a.m., while the respondent-police, along with his team, was on patrol duty near the Malattaru River, they noticed a two-wheeler bearing Registration No. TN-65-AW-0061 and a tractor without any registration number, both of which were abandoned by the accused persons upon seeing the police party. On inspection, it was found that the accused persons were illegally excavating and transporting one unit of river sand in the said tractor without any valid permit. Hence, the case.

4. Mr.S.Muniyandi, the learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this



Court. He therefore prays for grant of pre-arrest bail to the petitioner.

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5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has 7 previous cases which are similar in nature and therefore, if pre-arrest bail is granted to the petitioner, he will commit similar type of offence and cause damage to environmental ecology. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

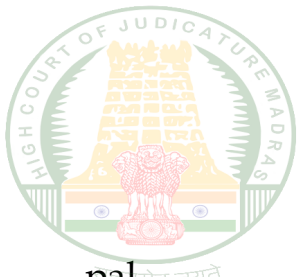
7. This is the fourth bail petition filed by the petitioner, and all the earlier petitions were dismissed by this Court. On perusal of records, it is revealed that the petitioner has 7 previous cases which are similar in nature. Therefore, this Court is of the view that if an order of pre-arrest bail is granted to the petitioner, he will commit similar type of offences in future and cause a great loss to the wealth of the nation. Hence, this Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
28/02/2025

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/03/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
WEB COPY

1 THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION, RAMANATHAPURAM DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3857 of 2025
Date :28/02/2025

NBF / VR /SAR- (18/03/2025) 4P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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